

1887-038 Chancery Causes Joseph T. McTeer & Co vs. G. B. Burchett
Lee Co

McTeer

CA-Debt

T-Property

-Deed

To the honorable H. S. K. Morrison Judge of the
Circuit Court of Lee County Virginia.

Humbly complaining, your orators Joseph T
McLeer & Charles E McLeer Merchants and partners
in trade under the firm, name and style of Joseph
T McLeer & Co, would respectfully shew unto your
honor, that on the 17th day of May 1886, they obtained
before J. C. Vannoy a Justice of the peace of said
County, Judgment against G. B. Burchett, of the
said County for \$33.48 with interest thereon from
the 28th day of April 1886, till paid, and \$1.00
costs, which said Judgment your orators, on the
7th day of June 1886, had docketed in the Judgment
lien docket in the Clerk's office of the County Court
of said County, and on the 7th day of October
1886, an execution was duly issued on said Judg-
ment from the Clerk's office of said County Court
directed to Jesse R Edds a constable in said County
returnable to December Rules 1886, and being placed
in the hands of said Constable to be executed was
on the return day thereof returned by the said
Constable with the following return endorsed thereon
to-wit: "No property found", Jesse R Edds Const
Lee County Va". A copy of the said Judgment
and the docketing of the same is herewith filed
as part hereof marked "A" and a copy of said
execution together with the return thereon endors-
ed is herewith filed marked "B".

Now your orators further state that the said G. B.

Burchett is the owner of certain real estate in said County, and interests in real estate, being a portion of the Bailis Littrell tract of land, and certain interests purchased by said Burchett in said land, from the heirs of said Bailis Littrell deceased, the rents and profits of which will not in five years pay your orators Judgment together with other Judgments sought to be enforced against said real estate.

The object therefore of this bill is to enforce the lien of said Judgment against said real estate, To this end they, your orators, make said G. B. Burchett the party defendant to ~~said~~^{this} bill and ask that he be required to answer the same on oath, that on a hearing so much of said real estate as is necessary be sold to pay your orators Judgment & costs, and for all further and general relief, May process issue &c. And your orators will ever pray &c.

Richmond & Orr, attys
for Complainants.

C \$6.48

S .50

A 15.00

\$21.98

~~Estimate 4.72~~

\$26.70

Esti 1.30

28.00

Joseph T. McLeer & Co.

vs Bill in Chancery

Cy. B. Burchett

1887 Feb 10 Bill Filed 3/10

Decided & Decree Made

1 March Decree Also Confirmed
& Cause Set for hearing

648

472

130

1450

1082

174

To the Hon. H. S. K. Merison Judge of the Circuit
Court of Lee County Virginia.

The Answer of G. B. Buschett to a bill in chancery
exhibited in in this honorable court against him by
Joseph T. McTier & Co

Respondent says it is true that the Plaintiffs
did recover a judgment at law about the time and
for about the sum stated in their bill, and it is
perhaps true that an execution was issued thereon
and returned no property found as stated by the Piffs

It is also true that respondent has purchased some
interests in what is known as the Belis Littell farm
and for some of the purchases so made respondent has
deeds of conveyance, but for some of his purchases he has
not as yet obtained such deeds of conveyance and since
this respondents wife inherited an share since the
passage of the act by the Legislature of Virginia known
as the Married Womans act, and this an interest so
acquired by respondents wife he is advised is not affe-
cted by the plaintiffs judgment against him

For aught respondent knows the plaintiffs Judgment
may operate as a lien upon such interest as he has
in said land, and the interest which he owns therein
is undivided and this fact he believes will materially
injure the saleable value thereof, but in addition to
this he is advised that a court of equity will be slow
to decree land to be sold so long as there is a cloud over
the title and that before doing so will clear up the title

so as not to sacrifice the property and to secure to the purchaser a good title unincumbered by outstanding title

Respondent does not now remember or know the amount of unpaid judgments against him but of one thing he feels certain, and that is, that the rents and profits of his real estate will in less than five years time pay the plaintiffs said judgment and he believes that the rents and profits thereof will in five years time pay all outstanding judgments against ^{him} and if it should then turn out, then respondent is advised that your Honor will not decree his real estate to be sold. ✕

Respondent having now answered the plaintiffs bill as fully as he is advised it is natural for him to answer he now prays that the plaintiffs bill be dismissed and respondent charged his costs.

Henry J. Morgan for Resp^t

I swear that the statements of the foregoing answer so far as made on my own knowledge are true and so far as made on information derived from others I believe them true so help me god.

J. B. Wroble

Sworn to before me by G. B. Burchett this 28th day of March 1887.

Henry Morgan Sworn



Respondent further says that he is a Housekeeper
the head of a family and as such has set apart
and declared his intention by deed, to avail himself
of the benefits of the Homestead Law of Virginia and
he avers that the land sought to be sold by the plaintiffs
constitutes a part of his Homestead so set apart for
the use of himself and family and he now claims
the benefit thereof. and said Homestead deed is
herewith filed marked (A.B.)

Respondent further says that some time ago he
executed a deed of Trust or Mortgage on the land
sought to be sold for the benefit of Thomas P. Enos
who is respondents surety in his official bond as
administrator of Balis Lettwell deed, and this constitutes
a prior lien on the real estate sought to be sold, & a
copy of said deed is herewith filed marked. A.C.

G. B. Burchett

ads. } Answer

Joseph T. McLean

660
216
150
10.56

Virginia
County of Lee

To McJinings Constable of said County

I hereby command you to summon
G. B. Burchett if to be found in your District to
appear at my office in the said County on the 17th day of May 1886
before me or such other Justice of the said County as may
then be there to try this Warrant to Answer the Complaint
of Jos. T. McTeer & Co upon claim for money for the sum
of thirty three dollar and forty five Cts due by note
And then and then make Return of this Warrant Given
under my hand this 10th day of May 1886

J. C. Denny J. P.

Jos. T. McTeer
and co
vs

G. B. Burchett

This 17 day of May 1886 judgement that the plaintiff
recover of the defendant

\$33⁴⁵ with interest from the 22 day of April 1886 till Paid
And \$1 for costs J. C. Denny, J. P.

Virginia
County of Lee

To McJinings Constable of the said County

I command you in the name of the Commonwealth of Virginia
That of the Goods and Chattels of G. B. Burchett in your District
you cause to be made the sum of thirty three dollars and forty
five cent with interest thereon from April 22 day 1886 till
paid which Jos. T. McTeer & Co has recovered before me in a
Warrant in debt And also ^{the sum of} \$1 which were adjudged to
said Jos. T. McTeer & Co for ⁱⁿ prosecuting his said Warrant
Given under my hand this May 22nd day 1886 J. C. Denny J. P.

Jas J McLeer
Leah E McLeer

Wm Jos J. McLeer
vs
G B Burch II

Returned
No property found
Niel Jennings
L. L. L.

Filed & docketed
June 7th 1886.
J. R. Gibson clk.

"A"

I George B. Burchett a citizen of the County of the
 and State of Virginia being a married man a head of
 and the head of a family and being the owner of the
 property hereafter named do by these presents
 hereby declare my intention to avail my self of the
 benefit of what is known as the Married Women's
 claim that the property hereafter mentioned be set
 apart and held for the benefit of my self and family
 free from any and all claims and demands against me

The property above referred to and the value thereof
 is as follows.

One tract of land bought of Balis - title & lines of the same	\$1200.00
Subject to 1000 - mortgage from the same	500.00
1000 Head of Cattle worth	125.00
50 " Hogs "	60.00
2 " Horses "	25.00
Household & other furniture & personal effects worth	75.00
1000 Bushels of corn worth	25.00
1000 do Bacon	70.00

In testimony whereof I have to this day signed and
 affixed my seal this 18th day of May 1880

G. B. Burchett

Virginia's County to wit

To John P. Gibson Clerk of Lee
County County do hereby certify that G. R. Burr
a clerk whose name is signed to the writing
above bearing date May 18 1886. has been
colleaged. He served before me in Lee County
and was a clerk of the court. It is therefore
advised and I will certify it to the court
and return to record. Given under my
hand this 18th day of May 1886.

John P. Gibson Clerk

George B. Burdett

Amos D. Doolittle

Recorded in Clerk
Book No 2 Page 441

(A.B.)

L. 120-121.

May 18 1886 - valid.

James W Orr collected in George Davis & Co case
 From C. T. Duncan Court- \$ 71.84
 " G. B. Burchett 45.00
 \$ 116.84

1891
 Apr 7"

" "

" "

" "

Paid Hyatt clk + court- \$23.91
 " shff, to be, .50
 " mit " " .50
 " J. P. " " 1.00
 Retained atty fee 15.00
 Pr + Int of Judgt \$75.93 less com' 40.91
 Com' retained 68.34
 7.59
 \$ 116.84

And in case Jos T McLeer & Co vs G. B. Burchett,
 From C. T. Duncan Court- \$ 73.56

Paid Hyatt clerk \$12.50
 " shff, to be, .50
 " J. P. " " 1.00
 Retained atty fee 15.00
 \$ 29.00

Pd. clk co ct, to be, 1.71
 Pr + Int of Judgt \$43.00, less com, 30.71
 Com' retained 38.79
 4.30
 \$ 73.71

McLees & Co
Davis & Co
vs Statement

G. B. Burchett.

McSees & Co vs G. B. Burchett, Dr Apr 28th 1886 \$33.45-
 Int to Nov 22nd 1887. 3.13
 Casts at law. 2.71
 Casts Chy. ~~Total~~ - \$39.29
 Total \$67.29

George Davis & Co vs Same. Dr \$56.95-
 Int from Sept 7th 1885 to Nov 22nd 1887. 7.54
 Casts (J.P.) 1.00
 Casts Chy Suit, 35.00 \$105.49
 \$169.78

W. B. Lockett & Co vs Same Dr \$98.89
 Int from Jan 29th 1886 to Nov 22nd 1887. 10.81
 Casts (J.P.) 1.00
 Casts Chy Suit, 30.00 140.70
 \$310.48

Chas Keller & Son vs Same Dr \$132.16
 Int from Oct 10th 1885 to Nov 22nd 1887. 16.78
 Casts at law. 7.76 156.70
 Com' \$467.18
 18.34
 \$485.52
 45.00
 \$440.52
 By cash Oct 18th 1887. To Dr for R. Comm.

Total
 Casts \$112.47
 Or 45.00
 Bal 67.47
 Add comm

$\$ 33.45 - 4-11$
 $\frac{29\frac{1}{2}}{30105-}$
 $\frac{159}{6690}$
 $\frac{29\frac{1}{2}}{1672}$
 $986,77$
 $33.45 -$
 $\frac{43,31}{30,71}$
 $\frac{74.02}{7.40}$
 $66,60$
 43.30
 $\frac{4.33}{38.97}$

George Davis & Co
vs

U. B. Burdett,

Calculation

Rec'd by Geo from
 Davis \$71.84
 McLeary & Co 73.56
 Polly & Sedge 88.68
 \$234.08

J. B. RICHMOND
Essexville, Va.

OFFICE OF

JAMES W. ORR,
JONESVILLE, VA.

RICHMOND & ORR,

Attorneys-at-Law.

WILL PRACTICE IN THE COURTS OF LEE, SCOTT AND WISE COUNTIES.
COLLECTIONS IN SOUTHWEST VIRGINIA A SPECIALTY.

Jonesville, Va. 1888



Jonesville, Va., April 25 1886.

One day after date I promise to pay to the order

of J. H. Jones & Co.
Thirty Three **Dollars** and Forty Cents

for value received, and I hereby waive the benefit of my homestead exemption as to
this debt.

Witness my hand and seal this 25 day



J. H. Jones
of Jonesville, Va., 1886. [SEAL.]

[SEAL.]

THE VIRGINIA HERALD PRINT

The Commonwealth of Virginia.

TO THE SHERIFF OF LEE COUNTY---GREETING:

We command you, That of the goods and chattels of G. B. Burchett

late of your bailiwick, you cause to be made \$ 33.45

with legal interest thereon from the 28th day of Apr 1886, till paid, which

Jos L. McLeer before J. B. Vannoy

late Justice of the Peace in and for said County, hath recovered against him by Warrant for Debt. Also the sum of

\$ 1.00 which to the said J. L. McLeer & Co

before the Justice was adjudged for his costs in the said Warrant expended. Also the further sum of \$ 1.13

for issuing this execution from the Clerk's office of the County Court of said County, pursuant to the Act of Assembly in

that case made and provided whereof the said G. B. Burchett

is convicted as appears to us of record, and that you have the same before the Judge of our County Court for said County

in the Clerk's office, at Rules to be held therefor, on the first Monday in Sept next, to render to the

said Jos L. McLeer of the debt and costs aforesaid; and have then and there

this Writ. Witness, John R. Gibson, Clerk of our said Court, at the Court House, this the 19th day of June

1886, in the 10 year of the Commonwealth.

John R. Gibson Clerk.

J. B. (91)

210

Jos T. McLeer & Co.

vs J. F. F.

G. B. Burchett

Left Rules 1856.

Not executed no
property found

J. H. Curry 28

for R. D. Glaney

J. H.

The Commonwealth of Virginia, ,

To the Sheriff of LEE COUNTY--Creeting:

WE COMMAND YOU to summon

G. B. Burchett

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House
on the first Monday in February next, being Rule Day, to answer a
Bill in Chancery exhibited in our Court against him, by Joseph

L. M. Seer & Chas. M. Seer merchants and
partners in trade under the firm name
& Style of "Joseph L. M. Seer & Co."

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said
Court, at the Court House, this 29 day of January 1887 in
the 11 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste :

(102 + 10)

Joseph T. McLeer & Co.,
vs $\frac{5}{3}$ Spa in Chay
G. B. Burchett

To Librarian Rules 1887

Executed by delivering
office copy of this
Spa to G. B. Burchett
Febry 4th 1887.

J. H. Guring Deputy
for R. D. Hanna & Co.